



ATTORNEY DOCKET NO.: 054358-5019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jin Ook KIM

Application No.: 10/694,838

Filed: October 29, 2003

For: ORGANIC ELECTRO-LUMINESCENT  
DEVICE HAVING POLYMER EMISSION  
LAYER AND METHOD FOR  
FABRICATING THE SAME

Confirmation No.: 2506

Group Art Unit: 2879

Examiner: Patel, Ashok

**Mail Stop AMENDMENT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**STATEMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

A telephone communication was conducted with the Supervisory Patent Examiner, Nimesh Patel, on March 8, 2007 regarding the Non-Final Office Action issued on January 3, 2007 in the above-identified application. As recommended by the Supervisory Patent Examiner during the telephone communication, Applicant respectfully submits this statement in response to the Non-Final Office Action dated January 3, 2007.

A Request for Continued Examination and an Amendment were filed on December 11, 2006 in response to a Non-Final Office Action dated July 10, 2006 and an Advisory Action dated November 3, 2006. In response to the filings of December 11, 2006, a Non-Final Office Action (Paper No. 20061224) was issued on January 3, 2007 by the Office.

Applicant respectfully submits that the RCE and the Amendment filed on December 11, 2006 were signed by a patent practitioner whose registration number was, unbeknownst to her at the time, inactive. Accordingly, the RCE and the Amendment filed on December 11, 2006 were **Non-Compliant responses** and should not have been entered for further examination of the instant application.

In addition, the six-month statutory period in the present application expired on January 10, 2007 since the filings of December 11, 2006 were non-compliant responses. As such, the present application became abandoned. As soon as the non-compliant status was learnt and to correct this error, Applicant immediately filed a Petition to Revive an Abandoned Application under 37 C.F.R. § 1.137(b), a corrected RCE, and a corrected Amendment on January 30, 2007 (copies of the petition and the date stamped postcard enclosed).

Applicant submits that as of today, no decision has been made by the petition office.

Accordingly, Applicant submits that the Non-Final Office Action dated January 3, 2007 was issued prematurely. Thus, Applicant respectfully submits that there is no obligation to the Applicant to respond to this Office Action. In addition, Applicant respectfully requests the Office to withdraw this Office Action in view of the above-stated facts. Moreover, when the petition is granted, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims based on the corrected Amendment filed on January 30, 2007.

**CONCLUSION**

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: *March 28, 2007*

By: *Sumiyo Onda*  
Sumiyo Onda  
Reg. No. L0289

**CUSTOMER NO. 09629**

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